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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,941	11/21/2001	Joshua Fox	VOCL 18.974	6532
26304	7590	05/05/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			MATTIS, JASON E	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2665	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>09/914,941</p>	<p><b>Applicant(s)</b> </p> <p>FOX ET AL.</p>	
	<p><b>Examiner</b></p> <p>Jason E Mattis</p>	<p><b>Art Unit</b></p> <p>2665</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/26/02</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the drawings are difficult to read and unclear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 2 begins "The system of claim 1, wherein said addressing server". There is no prior mention of an "addressing server" in claim 1; therefore, it is unclear what is meant by "said addressing server".

With respect to claim 5, line 16 of this claim states, "said at least one server". Since there is no prior mention of a "server" it is unclear what is meant by "said at least one server".

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kennedy, III et al. (U.S. Pat. 6301480).

**With respect to claim 1**, Kennedy et al. discloses a web enable call center system (See column 2 line 64 to column 3 line 4 of Kennedy et al. for reference to a communication system 10 that is a web enabled call center system). Kennedy et al. also discloses a means for placing at least one first cosurfer identifier in at least one audio component for placement in an audio call of at least one sender (See column 8 line 65 to column 9 line 16 and Figure 7 of Kennedy et al. for reference to placing a mobile unit identifier 200, which is a cosurfer identifier, in an audio call).

Kennedy et al. further discloses at least one data collaboration component for placement in a data call of the sender (See column 9 lines 28-38 and Figure 7 of Kennedy et al. for reference to also placing the identifier in a data message, which is a data call). Kennedy et al. also discloses a data collaboration server (See column 2 line 64 to column 3 line 4 of Kennedy et al. for reference to network

**switching center 14, which is a data collaboration server).** Kennedy et al. further discloses receiving first data corresponding to the audio call including the first cosurfer identifier and a second cosurfer identifier from a receiver **(See column 7 lines 13-42, column 8 line 65 to column 9 line 16, and Figures 4-5 and 7 of Kennedy et al. for reference to receiving a both an identifier of the mobile unit 200 and an identifier 202 of the service center 16, which is a second cosurfer identifier, that an audio call will be complete to so that an audio call is placed from the mobile unit to the service center 16).** Kennedy et al. also discloses receiving a second and third data from the mobile and the service center containing the first and second cosurfer identifiers respectively **(See column 9 lines 17-38 and Figure 7 of Kennedy et al. for reference to receiving, in a data call, the same mobile unit identifier 200, and connecting the data call to the same workstation 56 of the service center 16 identified by the identifier 202).** Kennedy et al. further discloses processing the first, second, and third data to connect a data call from the sender to the receiver in parallel with the audio call between the sender and the receiver **(See column 9 lines 28-38 and Figure 7 of Kennedy et al. for reference to using the identifiers to connect a parallel data call between a sender and receiver that are already in communication using an audio call).**

**With respect to claim 2,** Kennedy et al. discloses completing a data call between the sender and receiver once the first cosurfer identifier and the second cosurfer identifier have been matched **(See column 9 line 28-38 and Figure 7 of**

**Kennedy et al. for reference to connecting a data call once the identifiers 200 and 202 have been associated, or matched).**

**With respect to claim 3, Kennedy et al. discloses a means for generating an Automatic Number Identification defining the first cosurfer identifier (See column 8 line 65 to column 9 line 16 and Figure 7 of Kennedy et al. for reference to using an automatic number identification 200 as a first cosurfer identifier).**

**With respect to claim 5, Kennedy et al. discloses a method for conducting a data collaboration session over a wide area network (See column 8 line 24 to column 9 line 38 and Figure 7 of Kennedy et al. for reference to a method for conducting collaborated simultaneous audio and data communications in a wide area network). Kennedy et al. also discloses providing a sender with at least one audio component and at least one data collaboration component (See column 3 lines 5-19 and Figure 1 of Kennedy et al. for reference to mobile units 12, which are sender units that comprise both an audio and a data component). Kennedy et al. further discloses providing a first cosurfer identifier to the sender and copying the identifier into the audio component and the data component (See column 8 line 65 to column 9 line 38 and Figure 7 of Kennedy et al. for reference to providing the sender with a mobile unit identifier 200 that is copied into an audio component and a data component). Kennedy et al. also discloses sending the first identifier by the audio component and a second cosurfer identifier from an intended receiver in accordance with an audio call between the sender and receiver (See column 7 lines 13-42, column 8 line 65 to column 9 line 16, and Figures 4-5 and 7 of Kennedy et al. for**

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reference to receiving a both an identifier of the mobile unit 200 and an identifier 202 of the service center 16, which is a second cosurfer identifier, that an audio call will be complete to so that an audio call is placed from the mobile unit to the service center 16). Kennedy et al. further discloses sending the first identifier to a server by the data component in accordance with a data call (See column 9 lines 28-38 and Figure 7 of Kennedy et al. for reference to sending the mobile unit identifier 200 in a data call to a service center). Kennedy et al. also discloses conducting the data call from the sender to the receiver after the receiver has transmitted the second identifier such that at least a portion of the data call is in parallel with the audio call (See column 8 line 65 to column 9 line 38 and Figure 7 of Kennedy et al. for reference to setting up a data call that corresponds to the audio call between the sender and the receiver after the receiver has transmitted an identifier 202).

With respect to claim 6, Kennedy et al. discloses providing a server including a data collaboration server (See column 2 line 64 to column 3 line 4 of Kennedy et al. for reference to network switching center 14, which is a data collaboration server).

With respect to claim 7, Kennedy et al. discloses that providing a first cosurfer identifier to a sender includes generating an Automatic Number Identifier (See column 8 line 65 to column 9 line 16 and Figure 7 of Kennedy et al. for reference to using an automatic number identification 200 as a first cosurfer identifier).



***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy, III et al. in view of Ranalli et al. (U.S. Pat. 6748057).

**With respect to claims 4 and 8-9**, although Kennedy et al. discloses using an automatic number identifier as a call identifier (**See column 8 line 65 to column 9 line 16 and Figure 7 of Kennedy et al. for reference to using an automatic number identification 200**), Kennedy et al. does not specifically disclose that the generated ANI includes a first 3-digit number mimicking a country code and a second 12-digit random number in accordance with the E.164 telephone standard.

**With respect to claims 4 and 8-9**, Ranalli et al. discloses using a telephone number in accordance with the E.164 telephone standard as an identifier of both an audio call and a data call (**See column 12 line 44 to column 13 line 53 of Ranalli et al. for reference to using an E.164 telephone number as an identifier for both an audio call and a data call**). Using a telephone number in accordance with the E.164 telephone standard as an identifier of both an audio call and a data call has the advantage of providing a single common identifier, that is already outlined as a

communication standard, for all communication types emanating from a sender, such that multiple communication session types involving the same sender can be grouped.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Ranalli et al., to combine using a telephone number in accordance with the E.164 telephone standard as an identifier of both an audio call and a data call, as suggested by Ranalli et al., with the system and method of Kennedy et al., with the motivation being to provide a single common identifier, that is already outlined as a communication standard, for all communication types emanating from a sender, such that multiple communication session types involving the same sender can be grouped.

### ***Conclusion***

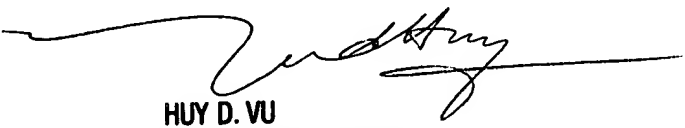
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Roberts et al. (U.S. Pat. 6754693) discloses a method of simultaneous voice and joint browsing sessions. Goss (U.S. Publication US 2004/0028213 A1) discloses a call back feature connecting an agent to a customer by both an audio call and a data call. Bateman et al. (U.S. Publication US 2004/0059841 A1) discloses a method of setting up a data call after an audio call has already been established between two parties.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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